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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/771,689

01/30/2001

Haruhisa Sakuma

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EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/771,689

Applicant(s)

SAKUMA ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 02, 2006 has been entered. Claims 1, 14, 23 and 33 have been amended. Claims 1-33 are pending.

Response to Arguments

2. Applicant's arguments, filed November 02, 2006, with respect to 35 USC 112 1st rejections of claims 1-33 have been fully considered and are persuasive. The 35 USC 112 1st rejections of claims 1-33 has been withdrawn.

3. Applicant's arguments with respect to 35 USC 103 rejections of claims 1-33 have been fully considered but they are not persuasive. Applicant added new claim limitations and further argued that the art on record fails to teach a memory within the apparatus to store the acquired image information of the user using the apparatus and display of the apparatus on which to display the image information.

4. Examiner would point out that the claim language, "so that the displayed image is viewable in order to identify an illegal user" is an intended use recitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

5. Examiner would further point out that In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually

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where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case Clark teaches an electronic apparatus comprising an identification system wherein user authentication is performed at a computer station based on stored credentials and if the authentication fails (i.e., condition of stored parameter for illegal use are established) a photographing device is activated and a photograph of the unauthorized user is taken and recorded (i.e., stored in a memory), and later the user will be identified based on at least the recorded photograph (i.e., image information about unauthorized user would be displayed) [column 2, lines 5-11, 47-61 and column 3, lines 18-31, 39-46]. Urano teaches an apparatus including a first memory, provided in said apparatus having stored therein a parameter for representing at least conditions of an illegal use of said apparatus (storing in a managing computer illegal access judgment standard) [column 3, lines 60-65, column 4, lines 1-12, lines 53-62 and column 6, lines 1-15], and a control unit which stores in a second memory illegal access information of the user and user system when said conditions represented by said parameter are established [column 4, lines 55-67 and column 6, lines 30-67].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urano et al US 6,202,158 (hereinafter Urano) in view of Clark US Patent 4,636,622.

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8. As per claims 1, 14, 23 and 31-33, Urano teaches an electronic apparatus having a display viewable by a user of the apparatus comprising;

a **first memory**, provided in said apparatus having stored therein a parameter for representing at least conditions of an illegal use of said apparatus (storing in a managing computer illegal access judgment standard) [column 3, lines 60-65, column 4, lines 1-12, lines 53-62 and column 6, lines 1-15], and a control unit which stores in a **second memory** illegal access information of the user and user system when said conditions represented by said parameter are established [column 4, lines 55-67 and column 6, lines 30-67].

Urano is silent on **storing image information** acquired by a photographing device which photographs a user of the apparatus. However, within the same field of endeavor Clark teaches an identification system wherein user authentication is performed at a computer station based on stored credentials and if the authentication fails (i.e., condition of stored parameter for illegal use are established) a photographing device is activated and a **photograph of the unauthorized user is taken and recorded** (i.e., stored in a memory), and later the user will be **identified based on at least the recorded photograph** (i.e., image information about unauthorized user would be displayed) [column 2, lines 5-11, 47-61 and column 3, lines 18-31, 39-46]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Clark within the system of Urano in order to enhance security of the system.

9. As per claim 2 and 15, Urano further teaches controlling output of illegal access information stored in the memory in accordance with an output direction [column 9, lines 57-67 and column 10, lines 1-5].

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10. As per claims 3, 16 and 24, Urano further teaches said control unit directs a set up program to read out said parameter in said first memory and to record illegal access information in said second memory [column 4, lines 55-67 and column 6, lines 30-67].

11. As per claims 4, 17 and 25, Urano further teaches said control unit directs an application program running on said apparatus to set and alter said parameter in said first memory via an interface prepared on a program [column 5, lines 24-39].

12. As per claims 5, 18 and 26, Urano further teaches said control unit directs the program to output illegal access information [column 9, lines 57-67 and column 10, lines 1-5].

13. As per claim 6, Urano further teaches the apparatus wherein as said parameter recording timing representing conditions for obtaining image information is selected, set and stored in said first memory [column 7, lines 3-25 and lines 50-63].

14. As per claim 7, 19 and 27, Urano further teaches the apparatus wherein illegal access information data management header, a recording time, a recording timing, a recording format and illegal access information data are recorded in said second memory [column 7, lines 3-25 and lines 50-63].

15. As per claims 8-10, 20 and 28, Urano further teaches the apparatus wherein said recording timing of said illegal access information takes place when the power supply for said apparatus is turned on, program is activated, or operation is resumed (i.e., during log-in operations) [column 2, lines 27-32].

16. As per claim 11, Urano further teaches the apparatus wherein said recording timing of illegal access information takes place when an illegal password is entered in said apparatus [column 6, lines 1-15].

17. As per claims 12, 21 and 29, Urano further teaches the apparatus wherein information acquiring format and writing mode are selected, set and stored in said first memory as said parameter [column 7, lines 28-43].

18. As per claims 13, 22 and 30 Urano further teaches the apparatus wherein the mode of writing illegal access information into second memory is overwriting or an appending mode [column 5, lines 50-61].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

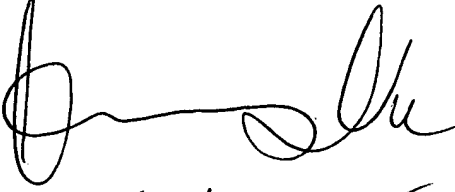
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

January 20, 2007



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